

1 Christopher S. Marchese (SBN 170239)
marchese@fr.com
2 FISH & RICHARDSON P.C.
633 West Fifth Street, 26th Floor
3 Los Angeles, CA 90071
4 Tel: (213) 533-4240 / Fax: (858) 678-5099

5 Ruffin B. Cordell (admitted *pro hac vice*)
cordell@fr.com
6 Adam R. Shartzer (admitted *pro hac vice*)
shartzer@fr.com
7 Richard A. Sterba (admitted *pro hac vice*)
sterba@fr.com
8 Ralph A. Phillips (admitted *pro hac vice*)
rphillips@fr.com
9 Michael J. Ballanco (admitted *pro hac vice*)
ballanco@fr.com
10 FISH & RICHARDSON P.C.
1000 Maine Ave., SW, Suite 1000
11 Washington, DC 20024
12 Tel: (202) 783-5070 / Fax: (202) 783-2331
13

14 Attorneys for Defendant
15 DISH Network Corporation, et al.

16 IN THE UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

18 ENTROPIC COMMUNICATIONS,
19 LLC,

20 Plaintiff,

21 v.

22
23 DISH NETWORK CORPORATION;
DISH NETWORK LLC; DISH
24 NETWORK SERVICE, LLC; AND
25 DISH NETWORK CALIFORNIA
26 SERVICE CORPORATION,

27 Defendants.
28

Case No. 2:23-cv-1043-JWH-KES

DECLARATION OF DAN MINNICK

District Judge: Hon. John W. Holcomb
Magistrate Judge: Hon. Karen E. Scott

DECLARATION OF DAN MINNICK
Case No. 2:23-cv-1043-JWH-KES

1 I, Dan Minnick, hereby declare:

2 1. I am over 18 years of age and competent to make this declaration. If
3 called to testify as a witness, I could and would testify truthfully under oath to each
4 of the statements in this declaration. I make each statement below based on my
5 personal knowledge or after investigation of the relevant information.

6 2. I am a current employee of DISH Network L.L.C. DISH Network
7 Corporation is the ultimate parent company of the DISH family of companies. DISH
8 Network L.L.C. is a subsidiary that operates the television subscription services
9 business and is publicly known as "DISH Network." DISH Network Service L.L.C.
10 is an entity that handles installations of some television subscriber equipment. I
11 collectively refer to DISH Network L.L.C. (my employer), DISH Network
12 Corporation (the parent), and DISH Network Service L.L.C. here as "DISH
13 Colorado," unless the context dictates otherwise or there is a reason here to distinguish
14 among these entities.

15 3. DISH Network California Service Corporation is an indirect wholly-
16 owned subsidiary of DISH Network Corporation. This company holds a California
17 Contractor's license and operates exclusively in California. As a general matter, it
18 manages warehouses in California and employs installation and service technicians
19 in California. I will refer to DISH Network California Service Corporation as "DISH
20 California."

21 4. I have been working for DISH Colorado since December 1996. My
22 current role is Senior Vice President of Software Engineering. Among other
23 responsibilities, I oversee the software creation behind DISH Colorado's set-top
24 boxes. I have served in many roles, including Engineering Director and Vice President
25 of Engineering, for DISH Colorado and its predecessors.

26 5. I hold a Bachelor of Science degree in Mining Engineering from the
27 Montana College of Mineral Sciences and a master's degree in Electrical Engineering
28 from the Rensselaer Polytechnic Institute.

1 6. I currently reside in Castle Rock, Colorado.

2 7. DISH Colorado's headquarters are located in Englewood, Colorado.
3 DISH Colorado also has a separate engineering facility in Englewood, where I work.

4 8. DISH Colorado currently employs about 7,300 people in the Denver
5 metropolitan area.

6 9. DISH Colorado is one of Colorado's Top 25 largest private employers.

7 10. DISH Colorado facilities in Colorado house the technical documents,
8 prior art patents, and source code, as well as financial, marketing, and sales
9 documents, relating to the products and systems that I understand are accused of
10 infringement in this case. These include documents related to the DISH Hopper,
11 Hopper with Sling, Hopper Duo, Hopper 3, Joey, Joey 2, Super Joey, Joey 3, and 4K
12 Joey.

13 11. Documents relevant to the relationships between DISH Colorado and
14 Entropic Communications, Inc. (who I understand is the original owner of the asserted
15 patents), RF Magic (a company that Entropic Communications, Inc. acquired), and
16 MaxLinear (a company that acquired Entropic Communications, Inc.) dating back to
17 the early 2000s are also housed in Colorado. These documents include materials
18 relating to patent disputes and agreements between DISH Colorado and Entropic
19 Communications, Inc., as well as purchase agreements and records for purchases that
20 DISH Colorado has made from Entropic Communications, Inc., and then MaxLinear,
21 for components over the years.

22 12. DISH Colorado engineers working and based in Colorado were primarily
23 or entirely responsible for the development of the accused hardware and software, to
24 the extent that this work was done by DISH Colorado. Such engineers include, among
25 many others, Scott Fillingim, Gregg Martch, and myself, all of whom are current
26 employees of DISH Colorado and currently reside in Colorado.

27 13. To the best of my knowledge, any DISH Colorado employees with
28 knowledge of DISH Colorado's marketing of the accused products, revenue from the

1 accused products, and customer usage of the accused products would all be located in
2 Colorado as well.

3 14. I have confirmed that none of DISH Network Corporation, DISH
4 Network L.L.C. and Dish Network Service L.L.C., at least at the time of Entropic's
5 Complaint in this case, owns or leases any real estate from which to carry out their
6 business in the following California counties: San Luis Obispo, Santa Barbara,
7 Ventura, Los Angeles, Orange, San Bernadino, or Riverside.

8 15. In addition, I have confirmed that none of DISH Network Corporation,
9 DISH Network L.L.C. and Dish Network Service L.L.C. signed the leases for (or
10 owns) any of the properties previously identified by the plaintiff at the following
11 addresses: 3226 West 131st Street, Hawthorne, California 90250; 4223 Fairgrounds
12 Street, Riverside, California 92501; 2602 South Halladay Street, Santa Ana 92705; or
13 1500 Potrero Avenue, South El Monte, California 91733. Further, the operations
14 conducted at those locations do not have anything to do with the way the accused
15 hardware or software operates or the development of the accused hardware or
16 software. No engineering documents, prior art patents, source code, or other relevant
17 documents are kept at those locations.

18 16. All authorized "DISH" storefront retail outlets are owned by independent
19 third parties that are not at all related to DISH Colorado (other than as contractual
20 business partners). For instance, in the Los Angeles area, X-Factor Communications
21 is one such company that operates as a local retailer in Anaheim. X-Factor
22 Communications is an independent company that is neither a subsidiary nor an
23 affiliate of DISH Colorado.

24 17. As a subsidiary of DISH Network Corporation, DISH California is
25 permitted to use "DISH" trademarks. DISH Colorado partners, such as retailers, enter
26 into agreements that permit them to use the "DISH" name. Therefore, the appearance
27 of the "DISH" name or trademarks in California does not mean that DISH Colorado
28 has a "regular and established place of business" in California.

1 18. Melissa Lopez (previously identified by plaintiff) is a member of DISH
2 Colorado's support staff. Her title is "Lead Document Specialist/Agile
3 Administrator." She is based in and works from one of DISH Colorado's Englewood,
4 Colorado facilities. When I or other engineers at DISH Colorado need a document
5 from Agile, we often ask Ms. Lopez or others in her role (or similar roles) to pull it
6 for us.

7 I declare under penalty of perjury that the foregoing is true and correct.
8 Executed this 8th day of May, 2023, in Englewood, Colorado.

9
10 By: 

11 Dan Minnick
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28